

Remarks

Claims 1-27 are presented for reconsideration, with claim 1 being the sole independent claim. Claims 1-14 and 16-27 are sought to be amended. Claims 28-64 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein as being directed to non-elected subject matter. Applicants reserve the right to prosecute similar or broader claims, with respect to the cancelled and amended claims, in the future.

The Title has been amended.

These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Information Disclosure Statement

An Information Disclosure Statement was electronically filed on January 19, 2007. Applicants respectfully request that the Examiner consider and acknowledge consideration thereof through initialing and returning of the submitted form.

Objection to the Title

On page 2 of the Office Action, the Title was objected to because it was allegedly not descriptive. Applicants amended the Title in accordance with the Examiner's suggestion. Accordingly, Applicants respectfully request that the objection be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 102

Huang

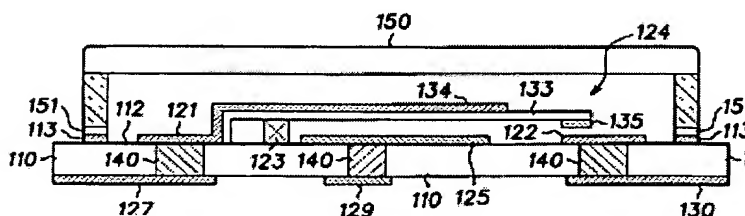
On Page 2 of the Office Action, claim 1 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,384,353 to Huang *et al.* (hereinafter Huang). Applicants respectfully traverse the rejection.

Claim 1 recites features that distinguish over the applied reference. For example, claim 1 recites the following:

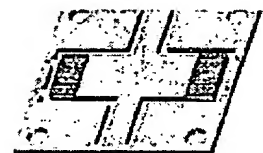
stacking a plurality of planar structural layers to form a stack, wherein the plurality of planar structural layers has a first planar structural layer having a movable element formed therein.

In Fig. 5 of Huang, a MEMS device is shown. The MEMS device includes a substrate 110, electrical interconnects 127, 129, and 130, control electrode 125, and a MEMS component 124. See Huang, col. 2, lines 43 - 67. The Examiner alleges that MEMS component 124 is a movable element. See Office Action, page 3. Without acquiescing to this characterization, Applicants assert that the MEMS device 124 shown in FIG. 5 does not contain “a first planar structural layer having a movable element formed therein,” as recited in claim 1. In particular, MEMS component 124, as shown in FIG. 5 (reproduced below), is a non-planar component which is not contained in any planar structural layer.

Huang (Fig. 5)



Shen (Fig. 3)



In contrast to Huang, in one example, FIG. 3 of the instant application (reproduced above) shows a planar structural layer having a movable element formed therein, as recited in claim 1.

Therefore, Huang does not anticipate claim 1.

Accordingly, Applicants respectfully request that the rejection of claim 1 be reconsidered and withdrawn.

Ruan

On Page 3 of the Office Action, claims 1-12 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,633,212 to Ruan et al. (hereinafter Ruan). Applicants respectfully traverse the rejection.

Claim 1 recites features that distinguish over the applied reference. For example, claim 1 recites the following:

stacking a plurality of planar structural layers to form a stack, wherein the plurality of planar structural layers has a first planar structural layer having a movable element formed therein.

Ruan does not teach these distinguishing features. Therefore, Ruan does not anticipate claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1, and find it allowable over the applied reference.

Claims 2-12 depend on claim 1 are also patentable over Ruan for at least the reasons regarding claim 1, and further in view of their own distinguishing features. Thus, Applicants respectfully request that the rejection of claims 2-12 be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

On Page 4 of the Office Action, claims 13-15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ruan, as applied to claim 1 above, in view of U.S. Patent No. 6,495,895 to Peterson et al. (hereinafter Peterson). On Page 4 of the Office Action, claims 16-27 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ruan alone. Applicants respectfully traverse these rejections.

Peterson is not used by the Examiner to teach or suggest the distinguishing features of claim 1, nor does Peterson teach or suggest these distinguishing features. Thus, Peterson does not cure the deficiencies of Ruan. Therefore, these references cannot be used to form a prima facie case of obviousness for these claims. Accordingly, Applicants request that these rejections be reconsidered and withdrawn, and that claims 13-27 be passed to allowance.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

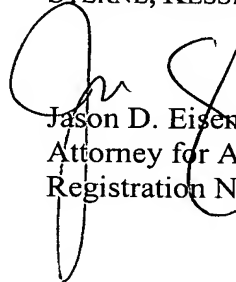
Reply to Office Action of October 27, 2006

SHEN *et al.*
Appl. No. 10/664,404

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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